

EDWARD J. MARKEY
7TH DISTRICT, MASSACHUSETTS
www.house.gov/markey

ENERGY AND COMMERCE COMMITTEE
RANKING MEMBER
SUBCOMMITTEE ON
TELECOMMUNICATIONS AND
THE INTERNET
RESOURCES COMMITTEE

Congress of the United States
House of Representatives
Washington, DC 20515-2107

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FRAMINGHAM, MA 01702
(508) 875-2900

January 16, 2002

Michael L. Eskew
Chairman & Chief Executive Officer
United Parcel Service, Inc.
55 Glenlake Parkway, NE
Atlanta, GA 30328

Dear Mr. Eskew:

I am writing to request information regarding the regulations and requirements used by UPS to ensure that radioactive materials are not improperly or illegally shipped to the U.S. from abroad. Based on recent press reports concerning a FedEx shipment that was emitting high levels of radiation but was not detected until after it was delivered, I am concerned that controls adequate to prevent the improper or illegal importation of dangerous radioactive materials either do not exist or are not being enforced.

A January 10, 2002 article in the New York Times reported that FedEx shipped a 300 pound package containing 9400 curies of radioactive iridium-192 from Paris to the Source Production and Equipment Company in St. Rose, Louisiana. The package was reportedly emitting so much radiation by the time it was delivered that an individual exposed to it could have developed symptoms of radiation poisoning within several hours. For some reason, the radiation leak went undetected by officials at both U.S. Customs and FedEx.

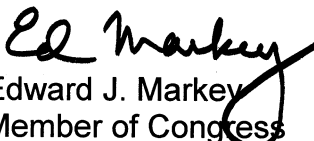
This event raises numerous concerns. In addition to the fact that this matter may have endangered the health of the individuals who handled (or came close to) the package, the incident may be indicative of a more systemic problem with the manner in which these shipments are processed, and incidents such as this one could be occurring on a regular basis. Moreover, many reports have detailed the attempts of members of Al Qaeda to obtain radioactive materials in order to create and detonate dirty bombs or improvised nuclear bombs that could kill many people and radioactively contaminate entire communities.

The apparent inability to detect radioactive shipments as they enter the U.S. raises the possibility that terrorists could be using our postal and consignment carriers such as FedEx and UPS to send radioactive materials to the U.S. for use in future attacks, just as the hijackers used our flight schools and our airplanes to commit the attacks of September 11. Consequently, I ask for your prompt attention in answering the following questions:

- 1) Are exporters of radioactive materials seeking to make a shipment to the U.S. required to ensure that the recipient is licensed by the NRC to possess the material being requested? If so, please fully describe how this requirement is met and who at UPS (presumably working with the NRC and/or U.S. Customs) ensures that this has been done prior to shipment within the U.S. If not, then how do you know that Al Qaeda members, other terrorist organizations, or citizens of hostile foreign nations have not already imported radioactive materials from abroad for use in future terrorist attacks in the U.S.?
- 2) Please fully describe the measures taken by UPS to ensure that packages labeled as containing radioactive materials are not leaking radiation, including the numbers of radiation detectors required in each UPS facility/vehicle, the paperwork and other reporting requirements for cases where a package is found to be leaking (including reporting the incident to government officials), and procedures for handling packages found to be leaking radiation to minimize adverse consequences to public health.
- 3) Please fully describe the measures taken by UPS to ensure that packages not labeled as containing radioactive materials are not leaking radiation, including the numbers of radiation detectors in each UPS facility/vehicle, the paperwork and other reporting requirements for cases where a package is found to be leaking (including reporting the incident to government officials), and procedures for handling unlabeled packages found to be leaking radiation to minimize adverse consequences to public health.
- 4) Is every package entering the U.S. required to be screened using a radiation detector? If not, then how do you know that Al Qaeda members, other terrorist organizations, or citizens of hostile foreign nations have not already imported radioactive materials from abroad for use in future terrorist attacks in the U.S.?
- 5) Do you now plan to conduct radiation screening on all packages (both those labeled as containing radioactive materials and those that are not), now that the public health risk associated with not doing so has been made more clear by this incident? If not, why not?

Thank you very much for your consideration of this important matter. Please provide your responses no later than close of business on Thursday January 31. If you have any questions or concerns, please have your staff contact Dr. Michal Freedhoff or Mr. Jeff Duncan of my staff at 202-225-2836.

Sincerely,


Edward J. Markey
Member of Congress

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January 16, 2002

Frederick W. Smith
Chairman, President & Chief Executive Officer
FedEx Corporation
942 South Shady Grove Road
Memphis, TN 38120

Dear Mr. Smith:

I am writing to request information regarding the regulations and requirements used by FedEx to ensure that radioactive materials are not improperly or illegally shipped to the U.S. from abroad. Based on recent press reports concerning a FedEx shipment that was emitting high levels of radiation but was not detected until after it was delivered, I am concerned that controls adequate to prevent the improper or illegal importation of dangerous radioactive materials either do not exist or are not being enforced.

A January 10, 2002 article in the New York Times reported that FedEx shipped a 300 pound package containing 9400 curies of radioactive iridium-192 from Paris to the Source Production and Equipment Company in St. Rose, Louisiana. The package was reportedly emitting so much radiation by the time it was delivered that an individual exposed to it could have developed symptoms of radiation poisoning within several hours. For some reason, the radiation leak went undetected by officials at both U.S. Customs and FedEx.

This event raises numerous concerns. In addition to the fact that this matter may have endangered the health of the individuals who handled (or came close to) the package, the incident may be indicative of a more systemic problem with the manner in which these shipments are processed, and incidents such as this one could be occurring on a regular basis. Moreover, many reports have detailed the attempts of members of Al Qaeda to obtain radioactive materials in order to create and detonate dirty bombs or improvised nuclear bombs that could kill many people and radioactively contaminate entire communities.

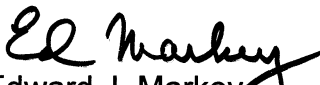
The apparent inability to detect radioactive shipments as they enter the U.S. raises the possibility that terrorists could be using our postal and consignment carriers such as FedEx and UPS to send radioactive materials to the U.S. for use in future attacks, just as the hijackers used our flight schools and our airplanes to commit the attacks of September 11. Consequently, I ask for your prompt attention in answering the following questions:

- 1) Are exporters of radioactive materials seeking to make a shipment to the U.S. required to ensure that the recipient is licensed by the NRC to possess the material being requested? If so, please fully describe how this requirement is met and who at FedEx (presumably working with the NRC and/or U.S. Customs) ensures that this has been done prior to shipment within the U.S. If not, then how do you know that Al Qaeda members, other terrorist organizations, or citizens of hostile foreign nations have not already imported radioactive materials from abroad for use in future terrorist attacks in the U.S.?
- 2) Please describe the process by which FedEx packages entering the U.S. are screened for radioactive materials.
 - a) Please fully describe the measures taken by FedEx to ensure that packages labeled as containing radioactive materials are not leaking radiation, including the numbers of radiation detectors required in each FedEx facility/vehicle, the paperwork and other reporting requirements for cases where a package is found to be leaking (including reporting the incident to government officials), and procedures for handling packages found to be leaking radiation to minimize adverse consequences to public health.
 - b) Were all of these regulations and requirements followed for the shipment of radioactive iridium? Please describe which requirements were met and when, and provide copies of all documentation.
 - c) Please fully describe the measures taken by FedEx to ensure that packages not labeled as containing radioactive materials are not leaking radiation, including the numbers of radiation detectors in each FedEx facility/vehicle, the paperwork and other reporting requirements for cases where a package is found to be leaking (including reporting the incident to government officials), and procedures for handling unlabeled packages found to be leaking radiation to minimize adverse consequences to public health.
 - d) Is every package entering the U.S. required to be screened using a radiation detector? If not, then how do you know that Al Qaeda members, other terrorist organizations, or citizens of hostile foreign nations have not already imported radioactive materials from abroad for use in future terrorist attacks in the U.S.?
- 3) The New York Times article reported that FedEx said that the shipment passed through its system because the shipper and the recipient were known to FedEx, and that had terrorists tried to ship radioactive material the shipment would have been subject to additional security precautions.

- a) Isn't it possible that terrorists, knowing that the FedEx policy is to opt not to do radiation screening of packages when the shipper and recipient are known to FedEx, could simply get jobs at those entities and send their radioactive shipments using packaging from these entities? What security precautions are in place to ensure that radioactive shipments between entities known to FedEx are authorized and legal?
 - b) Do you now plan to conduct radiation screening on all packages (both those labeled as containing radioactive materials and those that are not), now that the public health and security risks associated with not doing so has been made more clear by this incident? If not, why not?
 - c) What additional security precautions do you have in place for shipments sent by shippers or to recipients who are unknown to FedEx? Do you plan to apply these precautions, and/or impose additional security measures, to all shipments of radioactive materials in the future? If not, why not, given the risk to public health and danger of acts of terrorism using radioactive materials?
 - d) What have you done to ensure that all FedEx employees who might have been exposed to radiation from the iridium-192 shipment receive any necessary medical attention? Have any of these individuals experienced any adverse symptoms as a result of this condition?
- 4) The New York Times article stated that some FedEx employees had radiation detection badges, while others did not. Do you plan on increasing the number and location of devices that can measure levels of radiation in light of this incident, and if not, why not?

Thank you very much for your consideration of this important matter. Please provide your responses no later than close of business on Thursday January 31. If you have any questions or concerns, please have your staff contact Dr. Michal Freedhoff or Mr. Jeff Duncan of my staff at 202-225-2836.

Sincerely,


Edward J. Markey
Member of Congress

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January 16, 2002

The Honorable Robert C. Bonner
Commissioner
U.S. Customs Service
1300 Pennsylvania Ave., N.W.
Washington, D.C. 20229

Dear Mr. Commissioner:

I am writing to request information regarding the regulations and requirements used by the U.S. Customs Service to ensure that radioactive materials are not improperly or illegally shipped to the U.S. from abroad. Based on recent press reports concerning a FedEx shipment that was emitting high levels of radiation but was not detected until after it was delivered, I am concerned that controls adequate to prevent the improper or illegal importation of dangerous radioactive materials either do not exist or are not being enforced.

A January 10, 2002 article in the New York Times reported that FedEx shipped a 300 pound package containing 9400 curies of radioactive iridium-192 from Paris to the Source Production and Equipment Company in St. Rose, Louisiana. The package was reportedly emitting so much radiation by the time it was delivered that an individual exposed to it could have developed symptoms of radiation poisoning within several hours. For some reason, the radiation leak went undetected by officials at both U.S. Customs and FedEx.


This event raises numerous concerns. In addition to the fact that this matter may have endangered the health of the individuals who handled (or came close to) the package, the incident may be indicative of a more systemic problem with the manner in which these shipments are processed, and incidents such as this one could be occurring on a regular basis. Moreover, many reports have detailed the attempts of members of Al Qaeda to obtain radioactive materials in order to create and detonate dirty bombs or improvised nuclear bombs that could kill many people and radioactively contaminate entire communities.

The apparent inability to detect radioactive shipments as they enter the U.S. raises the possibility that terrorists could be using our postal and consignment carriers such as FedEx and UPS to send radioactive materials to the U.S. for use in future attacks, just as the hijackers used our flight schools and our airplanes to commit the attacks of September 11. Consequently, I ask for your prompt attention in answering the following questions:

- 1) Are exporters of radioactive materials seeking to make a shipment to the U.S. required to ensure that the recipient is licensed by the NRC to possess the material being requested? If so, please fully describe how this requirement is met and who at the U.S. Customs and/or the NRC ensures that it is being done consistently and accurately. If not, then how do you know that Al Qaeda members, other terrorist organizations, or citizens of hostile foreign nations have not already imported radioactive materials from abroad for use in future terrorist attacks in the U.S.?
- 2) Please describe the process by which packages entering the U.S. are screened for radioactive materials.
 - a) Please fully describe the regulations and requirements for ensuring that packages labeled as containing radioactive materials are not leaking radiation, including the numbers of radiation detectors required at each port of entry to the U.S., the paperwork and other reporting requirements for cases where a package is found to be leaking (including reporting the incident to the country of origin and/or the shipper of the material), procedures for handling packages found to be leaking radiation to minimize adverse consequences to public health, and the role played by U.S. Customs personnel to ensure that these regulations are being followed.
 - b) Were all of these regulations and requirements followed for the shipment of radioactive iridium? Please describe which requirements were met and when, and provide copies of all documentation. Please also describe which requirements, if any, were not met, and what penalties will be imposed for failing to meet them.
 - c) Please fully describe the regulations and requirements for ensuring that packages not labeled as containing radioactive materials are not leaking radiation, including the numbers of radiation detectors required at each port of entry to the U.S., the paperwork and other reporting requirements for cases where a package is found to be leaking, procedures for handling unlabeled packages found to be leaking radiation to minimize adverse consequences to public health, and the role played by U.S. Customs personnel to ensure that the regulations are being followed.
 - d) Is every package entering the U.S. required to be screened using a radiation detector? If not, then how do you know that Al Qaeda members, other terrorist organizations, or citizens of hostile foreign nations have not already imported radioactive materials from abroad for use in future terrorist attacks in the U.S.?

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Sincerely,


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Member of Congress

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(508) 875-2900

January 16, 2002

The Honorable Richard A. Meserve
Chairman
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chairman:

I am writing to request information regarding the regulations and requirements used by the Nuclear Regulatory Commission (NRC) to ensure that radioactive materials are not improperly or illegally shipped to the U.S. from abroad. Based on recent press reports concerning a FedEx shipment that was emitting high levels of radiation but was not detected until after it was delivered, I am concerned that controls adequate to prevent the improper or illegal importation of dangerous radioactive materials either do not exist or are not being enforced.

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- 1) Are exporters of radioactive materials seeking to make a shipment to the U.S. required to ensure that the recipient is licensed by the NRC to possess the material being requested? If so, please fully describe how this requirement is met and who at the NRC and/or U.S. Customs ensures that it is being done consistently and accurately. If not, then how do you know that Al Qaeda members, other terrorist organizations, or citizens of hostile foreign nations have not already imported radioactive materials from abroad for use in future terrorist attacks in the U.S.?
- 2) Please describe the process by which packages entering the U.S. are screened for radioactive materials.
 - a) Please fully describe the regulations and requirements for ensuring that packages labeled as containing radioactive materials are not leaking radiation, including i) the numbers of radiation detectors required at each port of entry to the U.S., ii) the paperwork and other reporting requirements for cases where a package is found to be leaking (including reporting the incident to the country of origin and/or the shipper of the material. Please include requirements contained in NRC regulation, NRC management directives, or cooperative arrangements with foreign countries.), iii) procedures for handling packages found to be leaking radiation to minimize adverse consequences to public health, and iv) the role played by NRC personnel to ensure that these regulations are being followed.
 - b) Please describe how and when the authorities in Sweden and France (through which the iridium container was transshipped) were notified of this incident by the U.S., what the roles of the NRC Office of International Programs and Department of Transportation was in such notification. Additionally, how, when and by whom was the International Atomic Energy Agency informed notified?
 - c) Were all regulations and requirements for ensuring that packages labeled as containing radioactive materials are not leaking radiation followed for the shipment of radioactive iridium? Please describe which requirements were met and when, and provide copies of all documentation. Please also describe which requirements, if any, were not met, and what penalties will be imposed for failing to meet them.
 - d) Please fully describe the regulations and requirements for ensuring that packages not labeled as containing radioactive materials are not leaking radiation, including the numbers of radiation detectors required at each port of entry to the U.S., the paperwork and other reporting requirements for cases where a package is found to be leaking, procedures for handling

unlabeled packages found to be leaking radiation to minimize adverse consequences to public health, and the role played by NRC personnel to ensure that the regulations are being followed.

- e) Is every package entering the U.S. required to be screened using a radiation detector? If not, then how do you know that Al Qaeda members, other terrorist organizations, or citizens of hostile foreign nations have not already imported radioactive materials from abroad for use in future terrorist attacks in the U.S.?
- 3) Please describe how and when the NRC, both in headquarters and in Region IV, learned of the incident, with a specific description of the role of the NRC's Incident Response Center and the U.S. Government's National Response Center in such notification.
- 4) It is my understanding that the IAEA designated this incident a Level 3 on the IAEA's International Nuclear Event Scale (INES), which is the most serious nuclear incident classification. What was the basis for making this determination? How many other Level 3 incidents have there been in the U.S.? For each such incident, please fully describe the circumstances.
- 5) How much radiation exposure was potentially received by personnel along the shipping route and what steps are being taken to determine actual exposure and treatment of exposed individuals?
- 6) Please describe how the package in question is being handled and processed, including a description of the role of the NRC, foreign entities, and the Source Production and Equipment Company, the receiver of the package.

Thank you very much for your consideration of this important matter. Please provide your responses no later than close of business on Thursday January 31. If you have any questions or concerns, please have your staff contact Dr. Michal Freedhoff or Mr. Jeff Duncan of my staff at 202-225-2836.

Sincerely,



Edward J. Markey
Member of Congress